

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LUTHER D. GILMORE,

Defendant.

8:17CR141

ORDER

This case came before the court on a Petition for Action on Conditions of Pretrial Release [44]. On April 9, 2018, Pretrial Services Officer Quintin Erdman submitted a Petition for Action on Conditions of Pretrial Release alleging the defendant had violated conditions of release as follows: On April 7, 2018 at 7:55 p.m., Luther Gilmore was booked into the Douglas County Correctional Center. The defendant was charged with felony shoplifting, \$500 or less, 3 or more; and obstructing a law enforcement officer. A warrant for the defendant's arrest was issued.

The defendant appeared before the undersigned magistrate judge on April 16, 2018. The defendant denied the allegations contained in the Petition and requested the dispositional hearing be continued until such time as he came into federal custody.

The matter was scheduled for a detention hearing and disposition hearing on May 14, 2018 before the undersigned magistrate judge. Richard H. McWilliams, Assistant Federal Public Defender, represented the defendant. Russell X. Mayer, Assistant United States Attorney, represented the government. The court took judicial notice of the Pretrial Services Violation Report of Pretrial Services Officer Quintin Erdman dated April 11, 2018, and considered other documents submitted as evidence by the parties. The Court finds the allegations set out in the petition are generally true and finds the defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release [40] should be revoked. I find the defendant is unlikely to abide by conditions of release. I find that there is no condition or combinations of conditions that would reasonably assure the defendant's presence for further proceedings, or the safety of the community if the defendant were to be released upon conditions.

IT IS ORDERED:

1. The Petition for Action on Conditions of Pretrial Release [44] is granted;
2. The January 12, 2018 Order Setting Conditions of Release [40] is hereby revoked; and
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentence or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of the court of the United States or on the request of an attorney for the government, the person in charge of the correctional facility shall deliver the defendant to the United States Marshal for purpose of an appearance in connection with a court proceeding.

Dated this 14th day of May, 2018.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge